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BOOK REVIEWS.

ORVILLE W. WOOD, *Editor-in-Charge.*

LEGISLATIVE METHODS IN THE PERIOD BEFORE 1825. By RALPH VOLNEY HARLOW. New Haven: YALE UNIVERSITY PRESS. 1917. pp. xii, 269.

The author of this volume has contributed an interesting chapter to American political and legal history at the point where politics inevitably meets and merges into law. Seeking the substance of the legislative process rather than its appearances, he naturally lays chief emphasis upon political practices. The first seven chapters are devoted to a study of legislative methods in the colonies and states from 1750 to 1790. The remaining six chapters are concerned with the evolution of legislative practices in Congress from 1789 to 1825. Manifestly, the work would have been more symmetrical had the author continued his study of state legislative methods through this latter period also. In the first part of the work, the author shows in interesting fashion the practices by which colonial assemblies established their supremacy over governors and councils in the making of laws. In discussing the transition from colony to commonwealth, he makes the important observation (p. 63) that, while in theory the governors of states had less authority than their colonial predecessors, they actually enjoyed just as much and in some cases far greater power than had been formerly wielded by the executive. This, however, is wholly at variance with the commonly accepted notion concerning the powers of our early state governors; and it is somewhat regrettable that the author did not develop his theme with more specific reference to this point.

In the light of the modern movement for executive leadership in legislation, and especially for the executive budget, chief interest in Dr. Harlow's study will center in his exposition of the enormously important part that was played in the beginning by the President and the members of his cabinet in matters legislative. Indeed, it seems clear that something closely approximating a parliamentary system of government came very near to realization during the early years of our history, in spite of the fact that the doctrine of the separation of powers was the apparent cornerstone of the Constitution. The author shows how the movement in this direction was ultimately arrested. This may have been fortunate for the preservation of the letter and spirit of the Constitution; but there are many today who will regret that this earlier system of executive influence and control in the making of laws disappeared from our institutional practices.

Howard Lee McBain.

THE LAW OF EMINENT DOMAIN. By PHILIP NICHOLS. Albany: MATTHEW BENDER & COMPANY. 1917. pp. ccliii, 1-720, xi, 721-1577.

It must take a lot of work to find twenty thousand cases on eminent domain and squeeze the juice out of them, even with the help of digests and headnotes. A man who has done this ought not to be blamed if he is too tired to put much mental strength into thinking hard about the writing that follows the process of extraction. It would be unreasonable to expect much nice discrimination between the